

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02821-CKK

SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY
LAW GROUP, PLLC v. UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 12/03/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**SCHNEIDER ROTHMAN
INTELLECTUAL PROPERTY LAW
GROUP, PLLC**

represented by **Joel Benjamin Rothman**
SCHNEIDER ROTHMAN
INTELLECTUAL PROPERTY LAW
GROUP PLLC
4651 North Federal Highway
Boca Raton, FL 33431
(561) 404-4350
Fax: (561) 404-4353
Email: joel.rothman@sriplaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

represented by **Marsha Wellknown Yee**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2539
Fax: (202) 252-2599
Email: marsha.yee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 12/03/2018 | <u>1</u> | COMPLAINT <i>for Declaratory and Injunctive Relief</i> against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5819635) filed by SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons)(Rothman, Joel) (Attachment 5 replaced on 12/4/2018) (zjd) (Entered: 12/03/2018) |
| 12/04/2018 | | Case Assigned to Judge Colleen Kollar-Kotelly. (zjd) (Entered: 12/04/2018) |
| 12/04/2018 | | SUMMONS Not Issued as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney, and U.S. Attorney General. (zjd) (Entered: 12/04/2018) |
| 12/04/2018 | <u>2</u> | REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC. Related document: <u>1</u> Complaint, filed by SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC.(Rothman, Joel) (Entered: 12/04/2018) |
| 12/06/2018 | <u>3</u> | Summons (1) Issued as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (ztd) (Entered: 12/06/2018) |
| 12/07/2018 | <u>4</u> | REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC. Related document: <u>1</u> Complaint, filed by SCHNEIDER ROTHMAN INTELLECTUAL |

| | | |
|------------|-----------|--|
| | | PROPERTY LAW GROUP, PLLC.(Rothman, Joel) (Entered: 12/07/2018) |
| 12/07/2018 | <u>5</u> | SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (ztd) (Entered: 12/07/2018) |
| 12/11/2018 | <u>6</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 12/11/18. (DM) (Entered: 12/11/2018) |
| 12/13/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 12/10/2018 (Rothman, Joel) (Entered: 12/13/2018) |
| 12/13/2018 | | SUMMONS (1) REISSUED as to U.S. Attorney General (ztd) (Entered: 12/13/2018) |
| 12/14/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/11/2018. (Rothman, Joel) (Entered: 12/14/2018) |
| 12/14/2018 | <u>9</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 12/11/2018. Answer due for ALL D.C. DEFENDANTS by 1/1/2019. (Rothman, Joel) (Entered: 12/14/2018) |
| 01/04/2019 | <u>10</u> | Unopposed MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/04/2019) |
| 01/07/2019 | | MINUTE ORDER: The Court is in receipt of Defendant's <u>10</u> Unopposed Motion for a Stay and Extension of Time in Light of Lapse of Appropriations. As of December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Absent appropriated funds, Department of Justice attorneys are prohibited from working except in circumstances which do not apply to this case. Defendant requests that this action be stayed during the lapse in appropriations and that the Court extend all pending deadlines in this action commensurate with the calendar day duration of the lapse in appropriations. Defendant's motion is GRANTED. Defendant is ORDERED to file a Status Report seven days after Congress has appropriated funds for the Department of Justice notifying the parties and the Court that the lapse has ceased and requesting that the parties' deadlines be appropriately extended. Signed by Judge Colleen Kollar-Kotelly on 1-7-2019. (lcckk3) (Entered: 01/07/2019) |
| 01/28/2019 | <u>11</u> | NOTICE of Appearance by Marsha Wellknown Yee on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Yee, Marsha) (Entered: 01/28/2019) |
| 02/01/2019 | <u>12</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 02/01/2019) |
| 02/01/2019 | | MINUTE ORDER: On January 7, 2019, this Court issued a stay in this case due to the lack of appropriations to the Department of Justice. As appropriations have now been restored, the Court ORDERS the stay lifted. The Court further ORDERS that Defendant respond to Plaintiff's Complaint by FEBRUARY 13, 2019. Signed by Judge Colleen Kollar-Kotelly on 2-1-2019. (lcckk3) (Entered: 02/01/2019) |
| 02/01/2019 | | Set/Reset Deadlines: Answer due by 2/13/2019. (dot) (Entered: 02/04/2019) |
| 02/13/2019 | <u>13</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Yee, Marsha) (Entered: 02/13/2019) |
| 02/14/2019 | <u>14</u> | ORDER. Signed by Judge Colleen Kollar-Kotelly on 2-14-2019. (lcckk3) (Entered: 02/14/2019) |
| 02/14/2019 | | Set/Reset Deadlines: Joint Meet & Confer Statement due by 3/11/2019. (dot) (Entered: 02/19/2019) |
| 02/22/2019 | <u>15</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 02/22/2019) |

| | | |
|------------|-----------|--|
| 02/22/2019 | | MINUTE ORDER: The Court is in receipt of the parties' <u>15</u> Joint Status Report. Defendant reports that it has located approximately 1,247 documents potentially responsive to Plaintiff's FOIA request. Defendant anticipates completing its processing of Plaintiff's request on or before April 16, 2019. The Court ORDERS the parties to file another Joint Status Report by MAY 16, 2019, informing the Court of the status of Defendant's response to Plaintiffs FOIA request. Signed by Judge Colleen Kollar-Kotelly on 2/22/2019. (lcckk3) (Entered: 02/22/2019) |
| 02/22/2019 | | Set/Reset Deadlines: Joint Status Report due by 5/16/2019, informing the Court of the status of Defendant's response to Plaintiffs FOIA request. (dot) (Entered: 02/25/2019) |
| 05/16/2019 | <u>16</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 05/16/2019) |
| 05/16/2019 | | MINUTE ORDER: The Court is in receipt of the parties' <u>16</u> Joint Status Report. Defendant reports that it has completed its release of non-exempt, responsive records. Plaintiff indicates that it requires an additional month to complete its review of the productions and to determine what, if any, follow up is necessary. The Court ORDERS the parties to file another Joint Status Report by JUNE 26, 2019. Signed by Judge Colleen Kollar-Kotelly on 5/16/2019. (lcckk3) (Entered: 05/16/2019) |
| 05/16/2019 | | Set/Reset Deadlines: Joint Status Report due by 6/26/2019. (dot) (Entered: 05/20/2019) |
| 06/24/2019 | <u>17</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 06/24/2019) |
| 06/24/2019 | | MINUTE ORDER: The Court is in receipt of the parties' <u>17</u> Joint Status Report. The parties report that Defendant is in the process of drafting a Vaughn index for its FOIA Exemption 5 withholdings. Defendant estimates that it will finish preparing its draft Vaughn index on or about July 11, 2019. The Court ORDERS the parties to file another Joint Status Report by JULY 30, 2019, indicating how the parties propose to proceed in this litigation. Signed by Judge Colleen Kollar-Kotelly on 6/24/2019. (lcckk3) (Entered: 06/24/2019) |
| 06/24/2019 | | Set/Reset Deadlines: Joint Status Report due by 7/30/2019. (kt) (Entered: 06/24/2019) |
| 07/29/2019 | <u>18</u> | STIPULATION of Dismissal by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 07/29/2019) |
| 07/29/2019 | <u>19</u> | ORDER of Dismissal. Signed by Judge Colleen Kollar-Kotelly on 7-29-2019. (lcckk3) (Entered: 07/29/2019) |